

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

LBRY, INC.,

Defendant.

Civil Action No. 21-cv-00260

**PLAINTIFF’S *DAUBERT* MOTION
TO EXCLUDE THE OPINIONS AND TESTIMONY OF BORIS RICHARD**

Pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), the Securities and Exchange Commission moves to exclude the opinions and expert testimony of Boris Richard. As detailed in the accompanying memorandum in support of this motion, Richard fails to employ reliable methods accepted in the field. For several of his opinions, he uses no methods or data at all. When he does, his methods and analysis are both error prone and infected by fundamental errors. And Richard fails to establish “fit” between his analysis and his opinions and between his opinions and the factual questions at issue. Thus, Richard’s opinions are not reliable and not relevant, do not comply with the *Daubert* standard, and will confuse rather than assist the finder of fact. Accordingly, the Commission moves for an Order precluding LBRY from offering evidence or argument from Richard’s testimony and reports at trial or in support or opposition to the pending summary judgment motions.

Dated: July 18, 2022

Respectfully submitted,

**SECURITIES AND EXCHANGE
COMMISSION**

By its Attorneys,

/s/ Marc Jones

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RULE 7.1 CERTIFICATION

I certify that I attempted in good faith to obtain concurrence from Defendant on the relief sought here, but was unable to do so.

/s/ Marc Jones

Marc Jones

CERTIFICATE OF SERVICE

I hereby certify that, on July 18, 2022, I caused true and correct copies of the foregoing to be served on counsel of record for all parties that have appeared to date through the Court's CM/ECF system.

/s/ Marc Jones

Marc Jones